

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3644) TO DIRECT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO ESTABLISH EDUCATION AND WATERSHED PROGRAMS WHICH ADVANCE ENVIRONMENTAL LITERACY, INCLUDING PREPAREDNESS AND ADAPTABILITY FOR THE LIKELY IMPACTS OF CLIMATE CHANGE IN COASTAL WATERSHED REGIONS AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1612) TO AMEND THE PUBLIC LANDS CORPS ACT OF 1993 TO EXPAND THE AUTHORIZATION OF THE SECRETARIES OF AGRICULTURE, COMMERCE, AND THE INTERIOR TO PROVIDE SERVICE-LEARNING OPPORTUNITIES ON PUBLIC LANDS, HELP RESTORE THE NATION'S NATURAL, CULTURAL, HISTORIC, ARCHAEOLOGICAL, RECREATIONAL, AND SCENIC RESOURCES, TRAIN A NEW GENERATION OF PUBLIC LAND MANAGERS AND ENTHUSIASTS, AND PROMOTE THE VALUE OF PUBLIC SERVICE

MARCH 18, 2010.—Referred to the House Calendar and ordered to be printed

Mr. POLIS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1192]

The Committee on Rules, having had under consideration House Resolution 1192, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3644, the Ocean, Coastal, and Watershed Education Act under a structured rule. The resolution provides one hour of debate in the House equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill except those arising under clauses 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions of the bill, as amended.

The resolution makes in order the amendment in the nature of a substitute printed in part A of this report, if offered by Representative Capps of California or her designee, which shall be sep-

arately debatable for 20 minutes equally divided and controlled by the proponent and an opponent. The resolution waives all points of order against the amendment in the nature of a substitute printed in part A except those arising under clause 9 or 10 of rule XXI. The resolution also makes in order the amendment to the amendment in the nature of a substitute, printed in part B of this report, if offered by Representative Flake of Arizona or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for the division of the question. The resolution provides one motion to recommit H.R. 3644, with or without instructions.

The resolution also provides for consideration of H.R. 1612, the Public Lands Service Corps Act of 2009, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and waives all points of order against consideration of the bill except those arising under clauses 9 or 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources, now printed in the bill, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against the bill, as amended.

The resolution makes in order the further amendments printed in part C of this report, each of which may be offered only by a member designated in this report, shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for the division of the question. The resolution provides that during consideration of an amendment printed in part C of this report, the Chair may postpone the question of adoption as though under clause 8 of rule XX. Finally, the resolution provides one motion to recommit H.R. 1612 with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of H.R. 3644 (except for those arising under clauses 9 and 10 of rule XXI) and against the bill, as amended, the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

Although the rule waives all points of order against consideration of H.R. 1612 (except for those arising under clauses 9 and 10 of rule XXI) and against the bill, as amended, the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 327

Date: March 18, 2010.

Measure: H.R. 3644/H.R. 1612.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment to H.R. 3644 by Rep. Hastings, Doc (WA), #3, which would reduce the authorization of appropriations levels to the current FY10 appropriated levels and make ineligible for funding under the programs in the Act anyone who is suing the Administrator of the National Oceanic and Atmospheric Administration.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 328

Date: March 18, 2010.

Measure: H.R. 3644/H.R. 1612.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment to H.R. 1612 by Rep. Hastings, Doc (WA) and Rep. Bishop, Rob (UT), #6, which would ensure that projects conducted by the Corps using taxpayer dollars will take place only on federal public lands and that priority is given to improvements to federal property; allows the Secretary to give a Corps enrolling preference to persons who live in counties where a majority of the land is publicly owned, thus limiting the tax base and economic development potential; and allows the Secretary, when entering into cooperative agreements, to give preference to youth or conservation corps with members who live in a county in which a majority of the land is publicly owned.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 329

Date: March 18, 2010.

Measure: H.R. 3644/H.R. 1612.

Motion by: Mr. Diaz-Balart.

Summary of motion: To make in order and provide appropriate waivers for an amendment to H.R. 1612 by Rep. Bishop, Rob (UT), #2, which would expand the list of activities that can be undertaken by the Secretary using Corps participants to include the reduction of wildfire hazards, and increased opportunities for hunters, fishermen, and recreational shooters. It would also direct that these projects shall have a priority in funding in this taxpayer-supported program.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

SUMMARY OF THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO
H.R. 3644 IN PART A TO BE MADE IN ORDER

Capps (CA)—Amendment in the Nature of a Substitute—The amendment in the nature of a substitute (ANS) reflects changes to the bill that address concerns raised by the minority during Committee consideration of the bill. In particular the ANS makes several changes to reflect the significant economic importance of coastal areas and resources to the overall economy of the United States and also authorizes specific increases in authorized appropriation levels. (20 minutes)

SUMMARY OF THE AMENDMENT IN PART B, TO THE AMENDMENT IN
THE NATURE OF A SUBSTITUTE TO H.R. 3644 IN PART A, TO BE MADE
IN ORDER

Flake (AZ)—Would prohibit earmarking in the funds authorized for appropriations in the legislation. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 1612 IN PART C TO BE MADE
IN ORDER

1. Bishop, Rob (UT)—Would retain the existing authorization level of \$12 million a year and only authorizes the program for 5 years. (10 minutes)

2. Cole (OK)—Would amend Section 3(f) to allow the Secretaries to enter into arrangement with tribal governments in order to provide temporary housing with Corps volunteers. (10 minutes)

PART A—TEXT OF THE AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3644 TO BE MADE IN ORDER

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocean, Coastal, and Watershed Education Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The United States faces major challenges, such as mitigating and adapting to the impacts of climate change, stewarding critical coastal and marine resources including fish and wildlife habitat while sustaining the commercial and recreational activities that depend on these resources, and improving resilience to natural disasters, that collectively threaten human health, sustainable economic development, environmental quality, and national security.

(2) Communities in coastal watersheds are particularly vulnerable to these increasingly urgent, interconnected, and complex challenges and need support for teacher professional development and experiential learning among students of all ages.

(3) These challenges can be met with the help of comprehensive programs specifically targeted to engage coastal watershed communities, schoolchildren, and the general public to develop engaged and environmentally literate citizens who are better able to understand complex environmental issues, assess risk, evaluate proposed plans, and understand how individual deci-

sions affect the environment at local, regional, national, and global scales.

(4) The intrinsic social and conservation values of wildlife-dependent and other outdoor recreation can play an important role in outdoor educational programs that address the myriad of coastal and ocean concerns, as well as instill a sustainable conservation ethic that will enable them to face those challenges to the betterment of both the environment and coastal communities.

(5) The economic importance of coastal areas and resources to the overall economy of the United States is significant. According to the U.S. Commission on Ocean Policy, coastal and ocean-related activities support millions of American jobs and generate more than \$1 trillion, or one tenth of the Nation's annual gross domestic product. Sustainable use of the Nation's natural resources can provide additional economic opportunities to the United States economy.

(b) **PURPOSE.**—The purpose of this Act is to advance environmental literacy, develop public awareness and appreciation of the economic, social, recreational, and environmental benefits of coastal watersheds, and emphasize stewardship and sustainable economic development of critical coastal and marine resources, including an understanding of how climate change is impacting those resources, through the establishment of—

- (1) an Environmental Literacy Grant Program; and
- (2) regional programs under the B-WET Program.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) **BAY-WATERSHED EDUCATION.**—The term “bay-watershed education” means environmental education focused on watersheds, with an emphasis on stewardship and sustainable economic development of critical coastal and marine resources, including an understanding of how climate change is impacting those resources.

(3) **B-WET PROGRAM.**—The term “B-WET Program” means the Bay-Watershed Education and Training Program of the National Oceanic and Atmospheric Administration, as in effect immediately before the enactment of this Act and modified under this Act or any subsequently enacted Act.

(4) **ELIGIBLE ENTITY.**—The term “eligible entity” means a State agency, local agency, school district, institution of higher education, or for-profit or non-profit nongovernmental organization, consortium, or other entity that the Administrator finds has demonstrated expertise and experience in the development of the institutional, intellectual, or policy resources to help environmental education become more effective and widely practiced.

(5) **ENVIRONMENTAL EDUCATION.**—The term “environmental education” means interdisciplinary formal and informal learning about the relevant interrelationships between dynamic environmental and human systems, including economic systems that depend on coastal, watershed and marine resources for job

creation and economic growth, that results in increasing the learner's capacity for decisionmaking, stewardship, and sustainable economic development of natural and community resources.

(6) ENVIRONMENTAL LITERACY.—The term “environmental literacy” means the capacity to perceive and interpret the relative health of environmental systems and the interrelationships between natural, economic, and social systems and technology, and to assess options and take appropriate action to maintain, restore, or improve the health of those systems and promote sustainable economic development.

(7) HIGH-LEVERAGE PROJECTS.—The term “high-leverage projects” means projects supported by grants authorized under this Act that use Federal, State and nongovernmental financial, technical, and other resources in such a manner that the potential beneficial outcomes are highly magnified or enhanced.

(8) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

SEC. 4. ENVIRONMENTAL LITERACY GRANT PROGRAM.

(a) IN GENERAL.—The Administrator shall establish a national competitive grant program, to be known as the “Environmental Literacy Grant Program”, under which the Administrator shall provide, subject to the availability of appropriations, financial assistance to—

(1) expand the adoption of coastal, ocean, Great Lakes, and climate on all time scales education;

(2) build administrative and technical capacity with coastal, ocean, and watershed communities and stakeholder groups to enhance their effectiveness;

(3) encourage water-dependent, wildlife-dependent, and other outdoor recreation, experiential learning, and hands-on involvement with coastal and watershed resources as a method of promoting stewardship and sustainable economic development of those resources;

(4) develop and implement new approaches to advance coastal, ocean, Great Lakes, and climate on all time scales education and environmental literacy at national, regional, and local levels; and

(5) encourage formal and informal environmental education about the systemic interrelationships between healthy coastal, watershed, and marine resources and sustainable economic systems that depend on such resources for job creation and economic development.

(b) PRIORITIES.—In awarding grants under this section, the Administrator shall give priority consideration to innovative, strategic, high-leverage projects that demonstrate strong potential for being sustained in the future by a grant recipient beyond the time period in which activities are carried out with the grant.

(c) GUIDELINES.—No later than 180 days after the date of enactment of this Act and after consultation with appropriate stake-

holders, the Administrator shall publish in the Federal Register guidelines regarding the implementation of this grant program, including publication of criteria for eligible entities, identification of national priorities, establishment of performance measures to evaluate program effectiveness, information regarding sources of non-Federal matching funds or in-kind contributions, and reporting requirements for grant award recipients.

(d) **LIMITATION ON USE OF FUNDS BY ADMINISTRATOR.**—Of the amounts made available to implement this section—

(1) no less than 80 percent shall be used for competitive grants or cooperative agreements;

(2) no more than 10 percent may be used by the Administrator to implement the grant program; and

(3) no less than 10 percent of the annual funds appropriated for the program authorized under this section shall be used to fund contracts or cooperative agreements to conduct strategic planning, promote communications among grant recipients and within communities, coordinate grant activities to foster an integrated program, and oversee national evaluation efforts.

SEC. 5. B-WET PROGRAM.

(a) **EXISTING PROGRAM.**—The Administrator shall conduct the B-WET Program, including each of the regional programs conducted or under active consideration for creation under such program immediately before the enactment of this Act.

(b) **NEW REGIONAL PROGRAMS.**—

(1) **IN GENERAL.**—The Administrator may create new regional programs under the B-WET Program in accordance with a strategy issued under this subsection.

(2) **STRATEGY.**—

(A) **IN GENERAL.**—The Administrator shall issue a strategy for establishing such new regional programs

(B) **CONTENTS.**—The strategy shall include the following:

(i) Evaluation of the need for new regional program in areas that are not served under the B-WET Program on the date of enactment of this Act.

(ii) Identification of potential new regional programs, including a listing of potential principal non-Federal partners.

(iii) A comprehensive budget for future expansion of the B-WET Program over the period for which appropriations are authorized under this Act.

(iv) Such other information as the Administrator considers necessary.

(C) **CONSULTATION AND PUBLIC COMMENT.**—The Administrator shall consult with relevant stakeholders and provide opportunity for public comment in the development of the strategy.

(D) **SUBMISSION TO CONGRESS.**—The Administrator shall submit the strategy to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by not later than 270 days after the date of enactment of this Act.

(3) PRIORITY CONSIDERATION.—In creating new regional programs under this subsection, the Administrator shall give priority consideration to the needs of—

- (A) United States territories, including Guam, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa;
- (B) the Great Lakes States;
- (C) Alaska; and
- (D) the mid-Atlantic region.

(c) MODIFICATION OF B-WET PROGRAM.—

(1) IN GENERAL.—The Administrator may modify or realign regional programs under the B-WET Program, based on—

- (A) changes in regional needs;
- (B) mutual interest between the Administrator and relevant stakeholders within a region or regions;
- (C) changes in resources available to the Administrator to implement the B-WET Program; and
- (D) other circumstances as determined necessary by the Administrator.

(2) CONSULTATION AND PUBLIC COMMENT.—The Administrator shall—

- (A) consult with the persons conducting a regional program and provide opportunity for public comment prior to making a final decision to modify or realign such regional program; and
- (B) publish public notice of such a decision no less than 30-days before the effective date of such a modification or realignment.

(d) REGIONAL PROGRAM MANAGERS.—

(1) APPOINTMENT OF REGIONAL PROGRAM MANAGER.—The Administrator shall be responsible for the selection, appointment, and when necessary replacement of a regional program manager for each regional program under the B-WET Program.

(2) QUALIFICATIONS.—To qualify for appointment as a regional program manager, an individual must—

- (A) reside in the region for which appointed; and
- (B) demonstrate competence and expertise in bay-watershed education and training.

(3) FUNCTIONS.—Each regional program manager shall—

- (A) be responsible for managing and administering the B-WET Program in the region for which appointed, in accordance with this Act;
- (B) determine the most appropriate communities within the region to be served by the B-WET Program;
- (C) encourage water-dependent, wildlife-dependent, and other outdoor recreation, experiential learning experiences for students, and hands-on involvement with coastal and watershed resources as a method of promoting stewardship and sustainable economic development of those resources and complementing core classroom curriculum;
- (D) support communication and collaboration among educators, natural resource planners and managers, and governmental and nongovernmental stakeholders;

(E) share and distribute information regarding educational plans, strategies, learning activities, and curricula to all stakeholders within its region;

(F) provide financial and technical assistance pursuant to the guidelines developed by the Administrator under this section; and

(G) perform any additional duties as necessary to carry out the functions of the program.

(e) PROGRAM GUIDELINES.—No later than 180 days after the date of enactment of this Act and after consultation with appropriate stakeholders, the Administrator shall publish in the Federal Register guidelines regarding the implementation of the B-WET Program, as follows:

(1) CONTRACTS.—The Administrator shall create guidelines through which each regional program manager may enter into contracts (subject to the availability of appropriations) to support projects to design, demonstrate, evaluate, or disseminate practices, methods, or techniques related to Bay-watershed education and training.

(2) GRANT MAKING AND COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Administrator shall create guidelines through which each regional program manager may provide financial assistance in the form of a grant (subject to the availability of appropriations) or cooperative agreement to support projects that advance the purpose of this Act. The guidelines shall include criteria for eligible entities, identification of national priorities, establishment of performance measures to evaluate program effectiveness, and reporting requirements for grant award recipients.

(B) PRIORITY.—In making grants under this paragraph, each regional program manager shall give priority to those projects that will—

(i) promote bay-watershed education throughout the region concerned;

(ii) advance strategic initiatives to incorporate bay-watershed education into formal and informal education systems;

(iii) build capacity within bay-watershed education communities and stakeholder groups for expanding and strengthening their work;

(iv) build bay-watershed education into professional development or training activities for educators; and

(v) broadly replicate existing, proven bay-watershed education programs.

(f) NON-FEDERAL SHARE.—

(1) IN GENERAL.—In awarding grants under this section, the regional program managers shall give priority consideration to a project for which the Federal share does not exceed 75 percent of the aggregate cost of such project.

(2) IN-KIND CONTRIBUTION.—The non-Federal share of the costs of any project supported by an award of grant funding under this section may be cash or the fair market value of services, equipment, donations, or any other form of in-kind contribution.

(3) OTHER PRIORITY.—The regional program managers shall give priority consideration to a project that will be conducted by or benefit any under-served community, any community that has an inability to draw on other sources of funding because of the small population or low income of the community, or any other person for any other reason the Administrator considers appropriate and consistent with the purpose of this Act.

(g) REGIONAL PROGRAM COORDINATION.—Within the National Oceanic and Atmospheric Administration, the Office of Education shall work with regional program managers on the following regional B-WET Program functions:

- (1) Strategic planning efforts.
- (2) Integration and coordination of programs.
- (3) Coordination of national evaluation efforts.
- (4) Promotion of network wide communications.
- (5) Selection of new Regional Program Managers.
- (6) Management, tracking, and oversight of the B-WET Program.

(h) LIMITATION ON USE OF FUNDS BY ADMINISTRATOR.—Of the amounts made available to implement this section—

- (1) no less than 80 percent shall be used for implementation of regional program activities, including the award of grants; and
- (2) no more than 20 percent may be used by the Administrator to implement the regional programs and regional program coordination.

SEC. 6. BIENNIAL REPORT.

Not later than December 31, 2011, and biennially thereafter, the Administrator shall submit to Congress a report on the grant programs authorized under this Act. Each such report shall include a description of the eligible activities carried out with grants awarded under the Act during the previous two fiscal years, an assessment of the success and impact of such activities, and a description of the type of programs carried out with such grant, disaggregated by State.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator—

(1) to carry out the Environmental Literacy Grant Program authorized by section 4 (including administrative expenses for preparing the report under section 6)—

- (A) for fiscal year 2011, \$13,200,000;
- (B) for fiscal year 2012, \$14,500,000;
- (C) for fiscal year 2013, \$16,000,000;
- (D) for fiscal year 2014, \$17,600,000; and
- (E) for fiscal year 2015, \$19,300,000; and

(2) to carry out the B-WET Program authorized by section 5 (including administrative expenses for preparing the report under section 6)—

- (A) for fiscal year 2011, \$10,700,000;
- (B) for fiscal year 2012, \$11,700,000;
- (C) for fiscal year 2013, \$12,900,000;
- (D) for fiscal year 2014, \$14,200,000; and
- (E) for fiscal year 2015, \$15,600,000.

PART B—TEXT OF THE AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3644 IN PART A TO BE MADE IN ORDER

At the beginning of Section 7, insert “(a) AUTHORIZATION OF APPROPRIATIONS.—” before “There are authorized”.

At the end of Section 7, insert the following:

(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) may be used for a congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

PART C—TEXT OF THE AMENDMENTS TO H.R. 1612 TO BE MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP, ROB, OF UTAH, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 28, strike lines 8 through 13 and insert the following (and redesignate the subsequent paragraphs accordingly):

“(1) in subsection (a), by striking ‘for each fiscal year’ and inserting ‘for each of fiscal years 2011, 2012, 2013, 2014, and 2015’;”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COLE OF OKLAHOMA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 20, line 14, after “local” insert “, and tribal”.

